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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,354	09/15/2000	Atsushi Misawa	0879-0273P	1844

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BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER
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CHEN, CHIA WEI A

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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11/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/663,354	<b>Applicant(s)</b> MISAWA, ATSUSHI	
	<b>Examiner</b> CHIA-WEI A. CHEN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 5, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed August 5, 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to independent claims 6 and 14-15 that the Sasson fails to teach or suggest a built-in non-volatile memory as disclosed in amended claims 6 and 14-15.

However, Examiner respectfully asserts that Wakui discloses a built-in non-volatile memory (image memory 20). The previous rejections of claims 6 and 14-15 were based on the combination of Sasson and Wakui, not only the single reference of Sasson, and therefore the rejections based on these references are sustained.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 6, 7, 9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakui (US #5,648,816) in view of Sasson et al. (US #5,016,107).

Claim 6, Wakui teaches a digital camera for capturing images (see Fig. 1), comprising:

- a built-in, non-volatile memory (image flash memory 20) for storing a plurality of images in the form of image data (one image is stored in one block, and there are a plurality of blocks in the image flash memory 20; Fig. 3, col. 7, lines 7-24), said built-in, non-volatile memory being provided in a camera body (Fig. 1);
- a detachable memory card (31) for storing image data;
- an insertion slot for receiving said detachable memory card (insertion opening, col. 6, lines 21-24);
- detecting means for detecting insertion of said detachable memory card into said insertion slot (connection detecting means 16; col. 5, lines 64-68); and
- memory control means (memory control circuits 15 and 19) for automatically transferring the image data from said built-in, non-volatile memory to said detachable memory card upon said detecting means detecting said insertion (If the copy switch is on, and if storage capacity within the memory card 31 is sufficient for data associated with an image, the image is read from the flash

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memory 20 and recorded to the memory card 31; col. 11, lines 1-14. Furthermore, Wakui also discloses wherein image data in flash memory 20 is rewritten to the memory card 32 when a memory card 31 with sufficient capacity is inserted; col. 20, lines 543-67);

but does not expressly teach wherein the detachable memory card has a larger storage capacity than said built-in, non-volatile memory.

Sasson teaches wherein the detachable memory card (24) has a large storage capacity than a built-in memory (col. 5, line 32-col. 7, line 16).

It would have been obvious to one of ordinary skill in the art at the time of invention to have used the larger detachable memory card of Sasson with the digital camera system of Wakui in order to store more images than would otherwise be possible with a smaller capacity detachable memory card.

Claim 7, Wakui teaches wherein said built-in, non-volatile memory is initialized to allow for new image capturing upon said memory control means automatically transferring said image data (after image data is written in the memory card 31, the recorded image data is erased from the image flash memory 20; col. 20, lines 59-61).

Claims 9 and 13, Wakui teaches wherein said detachable memory card (31) is mainly for attachment when the digital camera is not being used to capture images and is normally detached when the digital camera is being used to capture images, and the digital camera is usable to capture images when the detachable memory card is

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detached from and inserted into the insertion slot (Image capture without memory card 31: col. 8, line 61-col. 42. Image capture with memory card 31: col. 10, lines 27-67).

Claims 14 and 15, the subject matter in claims 14 and 15 can be found in claims 6 and 13. Therefore, claims 14 and 15 are analyzed and rejected as previously discussed with respect to claims 6 and 13. It is noted that Wakui teaches an image processing circuit 8 to process captured images before storage in either the flash memory 20 or in the memory card 31.

5. Claims 8, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasson and Wakui , as applied to claim 6 above, and further in view of Watanabe (US 4,887,161).

As to claims 10, 11 and 12, the claims differ from Sasson '107, as modified by Wakui '816, in that they require said detachable memory card is partially exposed so that a user can grasp the memory card by the exposed part to detach said memory card from said camera body, wherein when said detachable memory card is inserted into the insertion slot, more than 1/3 of said detachable memory card is exposed in an insertional direction of said detachable memory card.

In the same field of endeavor, Watanabe '161 teaches a digital camera (10) having a detachable memory card (20) wherein more than 1/3 of the memory card is exposed in an insertional direction of the memory card (Figs. 1-3), and the memory card is partially exposed so that a user can grasp the memory card by the exposed part with

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fingers to detach said memory card from said camera body (col. 3 lines 42+). In light of the teaching of Watanabe, it would have been obvious to one skilled in the art to have the memory card shown in Sasson ' 107 and Wakui '816 be partially exposed allowing the user to detach the memory card from the camera so as to eliminate the need to have a rejecting mechanism for the memory card, thus reducing the size and weight of the digital camera.

As to claim 8, the claim differs from Sasson '107, as modified by Wakui '816, in that the claim requires that the camera body in an insertional direction of said memory card is shorter than said memory card in the insertional direction of said memory card. Watanabe shows that the camera body in an insertional direction of said memory card is the same as said memory card in the insertional direction of said memory card. Since it is highly desirable for the memory card to be easily and readily removed from the camera body, it would have been obvious to one skilled in the art to have the memory card shown in Sasson '107, Wakui '816 and Watanabe '161 longer than the camera body.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-WEI A. CHEN whose telephone number is (571)270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/  
Primary Examiner, Art Unit 2622

/C. A. C./  
Examiner, Art Unit 2622